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equipment. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards, the rules governing the service may require that such equipment receive an equipment authorization from the Commission as a prerequisite for marketing and importing this equipment into the U.S.A. The marketing rules, § 2.801 *et seq.*, were adopted pursuant to the authority in section 302 of the Communications Act of 1934, as amended (47 U.S.C. 302).

(b) The rules in this section set out the conditions under which radio frequency devices as defined in § 2.801 that are capable of causing harmful interference to radio communications may be imported into the U.S.A.

(c) Nothing in this section prevents importers from shipping goods into foreign trade zones or Customs bonded warehouses, such as is the prescribed procedure under § 2.1204(a)(5). Radio frequency devices capable of causing harmful interference, however, cannot be withdrawn from these areas except in accordance with the provisions of this section.

[41 FR 25904, June 23, 1976, as amended at 54 FR 17714, Apr. 25, 1989; 56 FR 26619, June 10, 1991; 57 FR 38286, Aug. 24, 1992]

§ 2.1202 Exclusions.

The provisions of this section do not apply to the importation of:

(a) Cameras, musical greeting cards, quartz watches and clocks, modules of quartz watches and clocks, hand-held calculators and electronic games, and other similar unintentional radiators which utilize low level battery power and which do not contain provisions for operation while connected to AC power lines.

(b) Unintentional radiators which are exempted from technical standards and other requirements as specified in § 15.103 of this chapter.

(c) Radio frequency devices manufactured and assembled in the U.S.A. that meet applicable FCC technical standards and which have not been modified or received further assembly.

(d) Radio frequency devices previously properly imported that have

been exported for repair and re-imported for use.

(e) Subassemblies, parts, or components of radio frequency devices unless they constitute an essentially completed device which requires only the addition of cabinets, knobs, speakers, or similar minor attachments before marketing or use. Form 740 information will be required to be submitted for computer circuit boards that are actually peripheral devices as defined in § 15.3(r) of this chapter and all devices that, by themselves, are subject to FCC marketing rules.

[56 FR 26619, June 10, 1991]

§ 2.1203 General requirement for entry into the U.S.A.

(a) No radio frequency device may be imported into the Customs territory of the United States unless the importer or ultimate consignee, or their designated customs broker, declares that the device meets one of the conditions for entry set out in this section.

(b) A separate declaration shall be used for each line item in the entry or entry summary containing an RF device, or for each different radio frequency device within a line item when the elements of the declaration are not identical.

(c) Failure to properly declare the importation category for an entry of radio frequency devices may result in refused entry, refused withdrawal for consumption, required redelivery to the Customs port, and other administrative, civil and criminal remedies provided by law.

(d) Whoever makes a declaration pursuant to § 2.1203(a) must provide, upon request made within one year of the date of entry, documentation on how an imported radio frequency device was determined to be in compliance with Commission requirements.

[56 FR 26619, June 10, 1991; 56 FR 32474, July 16, 1991]

§ 2.1204 Import conditions.

(a) Radio frequency devices may be imported only if one or more of these conditions are met:

(1) The radio frequency device has been issued an equipment authorization by the FCC.

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(2) The radio frequency device is not required to have an equipment authorization and the device complies with FCC technical administrative regulations.

(3) The radio frequency device is being imported in limited quantities for testing and evaluation to determine compliance with the FCC Rules and Regulations or suitability for marketing. The devices will not be offered for sale or marketed. The phrase "limited quantities," in this context means:

(i) 2000 or fewer units, provided the product is designed solely for operation within one of the Commission's authorized radio services for which an operating license is required to be issued by the Commission; or

(ii) 200 or fewer units for all other products.

(iii) Prior to importation of a greater number of units than shown above, written approval must be obtained from the Chief, Office of Engineering and Technology, FCC.

(iv) Distinctly different models of a product and separate generations of a particular model under development are considered to be separate devices.

(4) The radio frequency device is being imported in limited quantities for demonstration at industry trade shows and the device will not be offered for sale or marketed. The phrase "limited quantities," in this context means:

(i) 200 or fewer units, provided the product is designed solely for operation within one of the Commission's authorized radio services for which an operating license is required to be issued by the Commission; or

(ii) 10 or fewer units for all other products.

(iii) Prior to importation of a greater number of units than shown above, written approval must be obtained from the Chief, Office of Engineering and Technology, FCC.

(iv) Distinctly different models of a product and separate generations of a particular model under development are considered to be separate devices.

(5) The radio frequency device is being imported solely for export. The device will not be marketed or offered for sale in the U.S., except:

(i) If the device is a foreign standard cellular phone solely capable of functioning outside the U.S.

(ii) If the device is a multi-mode wireless handset that has been certified under the Commission's rules and a component (or components) of the handset is a foreign standard cellular phone solely capable of functioning outside the U.S.

(6) The radio frequency device is being imported for use exclusively by the U.S. Government.

(7) Three or fewer radio receivers, computers, or other unintentional radiators as defined in part 15 of this chapter, are being imported for the individual's personal use and are not intended for sale.

(8) The radio frequency device is being imported for repair and will not be offered for sale or marketed.

(9) The radio frequency device is a medical implant transmitter inserted in a person granted entry into the United States or is a medical implant programmer/controller transmitter associated with such an implanted transmitter, provided, however that the transmitters covered by this provision otherwise comply with the technical requirements applicable to transmitters authorized to operate in the Medical Implant Communications Service under part 95 of this chapter. Such transmitters are permitted to be imported without the issuance of a grant of equipment authorization only for the personal use of the person in whom the medical implant transmitter has been inserted.

(10) Three or fewer portable earth-station transceivers, as defined in § 25.129 of this chapter, are being imported by a traveler as personal effects and will not be offered for sale or lease in the United States.

(b) The ultimate consignee must be able to document compliance with the selected import condition and the basis for determining the import condition applied.

[56 FR 26619, June 10, 1991, as amended at 57 FR 38286, Aug. 24, 1992; 61 FR 8477, Mar. 5, 1996; 63 FR 31646, June 10, 1998; 64 FR 69929, Dec. 15, 1999; 64 FR 72572, Dec. 28, 1999; 69 FR 5709, Feb. 6, 2004]

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EFFECTIVE DATE NOTE: At 69 FR 5709, Feb. 6, 2004, § 2.1204 was amended by adding paragraph (a)(10). This amendment contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 2.1205 Filing of required declaration.

(a) For points of entry where electronic filing with Customs has not been implemented, use FCC Form 740 to provide the needed information and declarations. Attach a copy of the completed FCC Form 740 to the Customs entry papers.

(b)(1) For points of entry where electronic filing with Customs is available, submit the following information to Customs when filing the entry documentation and the entry summary documentation electronically. Follow procedures established by Customs for electronic filing.

(i) The terms under which the device is being imported, as indicated by citing the import condition number specified in § 2.1204(a).

(ii) The FCC identifier as specified in § 2.925, if the device has been granted an equipment authorization;

(iii) The quantity of devices being imported, regardless of what unit is specified in the Harmonized Tariff Schedule of the United States; and

(iv) A commercial product description which is to include the trade name, a model/type number (or model/type name) and other descriptive information about the device being imported.

(2) For importers unable to participate in the electronic filing process with Customs for good cause, declarations are to be made in accordance with paragraph (a) of this section.

[56 FR 26619, June 10, 1991, as amended at 64 FR 72572, Dec. 28, 1999]

§ 2.1207 Examination of imported equipment.

In order to determine compliance with its regulations, Commission representatives may examine or test any radio frequency device that is imported. If such radio frequency device has already entered the U.S., the ultimate consignee or subsequent owners of that device must, upon request, made within one year of the date of

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entry, make that device available for examination or testing by the Commission.

[56 FR 26620, June 10, 1991]

Subpart L [Reserved]

Subpart M—Advance Approval of Subscription TV Transmission Systems

ADVANCE APPROVAL PROCEDURE

§ 2.1400 Application for advance approval under part 73.

(a) An original application for advance approval of a subscription TV (STV) system and one copy thereof must be filed by the party who will be responsible for the conformance of the system with the subscription TV standards specified in part 73 of the Rules. The application must include information to show that the system conforms to the requirements of § 73.644(b).

(b) Advance approval may be applied for and granted in accordance with and subject to the following conditions and limitations:

(1) A separate request for each different technical system must be made by the applicant in writing.

(2) The applicant must certify that the application was prepared by or under the direction of the applicant and that the facts set forth are true and correct to the best of the applicant's knowledge and belief.

(3) The applicant must identify the technical system by a name or type number and define the system in terms of its technical characteristics; a functional block diagram must be included. In addition, a complete description of the encoded aural and visual baseband and transmitted signals and of the encoding equipment used by the applicant must be supplied. These descriptions must include equipment circuit diagrams and photographs, and diagrams or oscillographs of both baseband and transmitted aural and visual signal waveforms and of the signal basebands and occupied bandwidths. If aural subcarriers are to be used for transmitting aural portion of the subscription program, for decoder control, or for other purposes, a